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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2005\_0097A  
Katsumi IHARA et al. : **Confirmation No. 3975**  
Serial No. 10/524,024 : Group Art Unit 1615  
Filed February 9, 2005 : Examiner Humera N. Sheikh  
PATCH CONTAINING FENTANYL FOR : **Mail Stop: AMENDMENT**  
MUCOUS MEMBRANE OF ORAL CAVITY

**FIFTH INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request consideration of the references listed on attached Form PTO/SB/08 and any additional information identified below in paragraph 3. A legible copy of each reference listed on the Form PTO/SB/08 is enclosed, except a copy is not provided for:

☒ each U.S. Patent and U.S. Patent application publication;

☐ each reference previously cited in prior parent application  
Serial No. \_\_\_\_\_.

1a. ☐ This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application, **or**

before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

**and thus no certification and/or fee is required.**

1b. ☒ This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

(1) ☒ the certification of paragraph 2 below is provided, or

(2) ☐ the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

1c. ☐ This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

**the certification of paragraph 2 below is provided, and**

**the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.**

2. It is hereby certified

a. ☒ that each item of information contained in this Information Disclosure Statement was first cited in any communication (copy enclosed) from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or

b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.

3. ☐ Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.

4. For each non-English language reference listed on the attached Form PTO/SB/08, reference is made to:

- a. ☐ a full or partial English language translation submitted herewith,
- b. ☒ a foreign patent office search report (in the English language) submitted herewith,
- c. ☐ the concise explanation contained in the specification of the present application at page ,
- d. ☐ the concise explanation set forth in the attached English language abstract,
- e. ☒ the concise explanation set forth below or on a separate sheet attached to the reference:


US '004 corresponds to EP '750

- 5. ☒ A foreign patent office search report citing one or more of the references is enclosed.
- 6. ☒ Statement Under 37 CFR 1.704(d)

Each item of information contained in the Information Disclosure Statement was first cited in any communication (copy enclosed) from a foreign Patent Office in a counterpart application, and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Respectfully submitted,

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